



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2004-23**

July 15, 2004

Mr. Paul Linton  
16 High St.  
Epping, NH 03042

RE: DES Wetlands File #2004-01401, 16 High St, Epping

Dear Mr. Linton:

On July 7, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Epping Tax Map 22 as Lot 138 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. Approximately 1,950 square feet of wetlands had been filled adjacent to a seasonal stream without a permit from DES.
2. The fill was not stabilized and severe rilling was evident
3. Slash (woody debris) was piled in the wetland

In response, you are requested to take the following actions:

1. Immediately install silt fence along the area that has been filled. Extra care should be taken (around the area of the street culvert) to ensure that no water quality violations occur as a result of the installation of the silt fence.
2. By September 15, 2004, remove the slash from the wetland
2. By August 15, 2004, retain a qualified environmental professional to prepare a restoration plan to be submitted to DES for approval by September 15, 2004. The plan should contain the following:
  - a. A plan with dimensions, drawn to scale, indicating the footprint of the wetland prior to disturbance and the footprint of the existing conditions showing the areas that have been disturbed;
  - b. A plan for re-establishing the wetland to its original footprint;
  - c. A proposed means of erosion control;
  - d. A proposed schedule and restoration sequence listing equipment and methods for accomplishing restoration;
  - e. A proposed planting plan for the re-establishment of wetland vegetation;
  - f. A monitoring and reporting schedule including an initial report to DES and one monitoring report after a full growing season.

3. Carry out restoration after receipt of a separate DES Restoration Approval Letter.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Arlene Allen, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Arlene Allen at (603) 271-4192

Sincerely,

  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 0169

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Epping Conservation Commission  
Epping Board of Selectmen  
USACOE